

REMARKS

Claims 1-15 remain pending in the present application; Claims 1, 9 and 10 have been amended; and Claims 12-15 are new.

Basis for the amendments and new claims can be found throughout the specification, claims and drawings as originally filed.

REJECTION UNDER 35 U.S.C. § 102

Claims 1-5 are rejected under 35 U.S.C. § 102(b) as being anticipated by *Ohashi et al.* **Claim 9** is rejected under 35 U.S.C. § 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over *Ohashi et al.* This rejection is respectfully traversed.

Claims 1 and 9 have been amended to define that the third tubes do not have heat exchange medium circulating in them. In *Ohashi et al.*, the third space contains a circulating heat exchange medium which circulated through the third tubes. There is no empty portion between two of the radiators that is now defined in amended Claim 1. Thus, Applicants believe Claims 1 and 9, as amended, patentably distinguish over the art of record. Likewise, Claims 2-5, which ultimately depend from Claim 1, are also believed to patentably distinguishes over the art of record.

Reconsideration of the rejection is respectfully requested.

Rejection Under 35 U.S.C. § 103

Claims 10 and 11 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Ohashi et al.* in view of *Chartet*. This rejection is respectfully traversed.

Claim 10 has been amended to include the step of conducting an inspection for leaks by using the hole formed in the third space corresponding portion. Neither of the references cited by the Examiner teaches, suggests or provides incentive support for conducting a leak inspection using this hole in the third portion. Thus, Applicant believes Claim 10, as amended, patentably distinguishes over the art of record.

Reconsideration of the rejection is respectfully requested.

Claims 6-8 are rejected under 35 U.S.C. §(a) as being unpatentable over *Ohashi et al.* in view of *Ando*, *O'Connor*, and *Panthofer*. This rejection is respectfully traversed.

Claims 6-8 ultimately depend from Claim 1. As stated above, Claim 1 has been amended and is now believed to be patentably distinguishes over the art of record. Thus, Claims 6-8 are also believed to be patentably distinguishes over the art of record.

Reconsideration of the rejection is respectfully requested.

New Claims

Claims 12 and 13 depend from Claims 1 and 9, respectfully, and define the third spaces as being heat-insulating spaces. **Claims 14 and 15** depend from Claim 1 and 9, respectfully, and define the third spaces as being in communication with an environment surrounding the heat exchanger.

Addition Prior Art (ID)

JP 9-152296 discloses a heat exchanger including header tanks 2, 3 each

provided with a separator arrangement constitution 10, each of the separator arrangement constitutions 10 comprising two separators 14, 16 arranged parallel with and apart from each other, and the corresponding separators 14, 16 being arranged in the same position of each header tank 2 or 3. In this heat exchanger, a separating bar 11 is provided, instead of a flat tube 5, between two separator arrangement constitutions 10 so that the spaces 15 composed within the separator arrangement constitutions 10 can not be communicated with each other through the flat tube 5. Although the separating bar 11 has the same outer shape and size as the flat tube 5, the separating bar 11 is solid while the flat tube 5 is hollow.

In FR 2785376, the motor vehicle heat exchanger tube bundle (1) has a tube (2) with an inactive tube separating the tubes (2a & b) of the two sections (p 1.2) of the heat exchanger. At each end of the bundle, the ends of the tubes are connected to a common manifold (6). The manifold (6) has two separate casings (7 & 8) separated by an inactive tube.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will

expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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